

## EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Walker, TRUESDELL, ROTH & ASSOCIATES,  
as Trustee for and on behalf of the Extended Stay  
Litigation Trust,

HOBART TRUESDELL, as Trustee for and on  
behalf of the Extended Stay Litigation Trust, and

THE EXTENDED STAY LITIGATION TRUST,

Plaintiffs,

vs.

THE BLACKSTONE GROUP, L.P., *et al.*

Defendants.

Case No. 11-cv-4549 (SAS)

**ORDER REFERRING THIS CASE TO THE BANKRUPTCY COURT**

The Blackstone Defendants<sup>1</sup> filed a Notice of Removal<sup>2</sup> removing the above-captioned action from the Supreme Court of New York pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 1452. Standing Order M10-450 (July 10, 1984) for Courts in this District require that any case “arising in or related to a case under title 11” be “referred to the bankruptcy judges for this district.” This case arises in or relates to the Extended Stay title 11 bankruptcy case pending before Bankruptcy James M. Peck of the United States Bankruptcy Court for the Southern District of New York.

<sup>1</sup> The “Blackstone Defendants” are The Blackstone Group, L.P., Blackstone Holdings I L.P., Blackstone Holdings II L.P., Blackstone Holdings III L.P., Blackstone Holdings IV L.P., Blackstone Holdings V L.P., Blackstone Holdings I/II GP, Inc., Blackstone Holdings III GP L.L.C., Blackstone Holdings IV GP L.P., Blackstone Holdings V GP L.P., Blackstone Real Estate Partners IV L.P., Blackstone Capital Partners IV L.P., BHAC IV, LLC, BRE/HV Holdings LLC, Blackstone Hospitality Acquisitions, LLC, Prime Hospitality, LLC, Jonathan Gray, William Stein, Michael Chae, Robert Friedman, Gary Summers, Dennis McDonagh, and Alan Miyasaki.

<sup>2</sup> Dkt. No. 1, Notice of Removal (July 1, 2011) (removal notice from *Walker, Truesdell, Roth & Associates, et al. v. The Blackstone Group, L.P., et al.*, Index No. 651667/2011 (N.Y. S. Ct. June 14, 2011)).

Accordingly, It is HEREBY ORDERED THAT this case is referred to the United States Bankruptcy Court for the Southern District of New York.

New York, New York

Date: \_\_\_\_\_, 2011

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United States District Court Judge